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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,199	05/11/2001	Ken Lang	KLQ-002	7926
959	7590	12/15/2006	EXAMINER	
LAHIVE & COCKFIELD, LLP ONE POST OFFICE SQUARE BOSTON, MA 02109-2127			OYEBISI. OJO O	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,199

Applicant(s)

LANG, KEN

Examiner

OJO O. OYEBISI

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/06 has been entered. In the RCE filed on 11/20/06, the following have occurred: Claims 1, 12, 13, and 21 have been amended, and claims 1-28 are pending in this office action.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Spencer (U.S PAT : 6,356,909).

Re claim 1. Spencer discloses a method for responding to an inquiry by an inquirer in exchange for an established resource over a communication network, said method comprising the steps of providing an inquiry by an inquirer (i.e., users) that requires a response over the communication network, providing a

response to the inquiry by a consultant (i.e., vendors) over the communication network, and exchanging the resource between the consultant and the inquirer in response to the consultant responding to the inquiry (see abstract)

Re claim 2. Spencer further discloses the method wherein the communications network comprises the internet (see abstract, also see fig.1 element 221).

Re claim 3. Spencer further discloses the method further comprising the step of establishing the resource exchanged between the consultant and the inquirer (see abstract)

Re claim 4. Spencer further discloses the method wherein the step of establishing the resource comprises the step of establishing the resource by one of the consultant, the inquirer, and the provider (see abstract, also see col.2, lines 6-65).

Re claim 5. Spencer further discloses the method wherein the step of establishing the resource comprises the step of negotiating the resource between the inquirer and the consultant (see the qualifying questions in fig.15, fig.21A, and fig.21B).

Re claim 6. Spencer further discloses the method further comprising the step of establishing a profile of the consultant or the inquirer (i.e., a list of recipients for the created RFP is compiled, E-mail, phone number, address and other pertinent information are entered in this step, see col.13, lines 35-45, also see col.4, lines 40-55).

Re claim 7. Spencer further discloses the method, further comprising the step of verifying the profile of the consultant (i.e., once a user (creator or respondents) is properly logged in and the user's password is verified, see col.8, lines 10-20).

Re claim 8. Claim 8 simply combines the limitations recite in claims 6 and 7 supra, and thus rejected using the same rationale in claims 6 and 7.

Re claim 9. Spencer further discloses the method further comprising the step of matching a consultant with an inquirer based upon a pre-established profile of at least one of the consultant and the inquirer (i.e., The system automatically directs users to their customized web site interface based upon the log in ID. RFP creators are directed to the creator and analysis section while respondents are directed to the response section, see col.11, lines 2-15, also the present invention includes computer programs for searching and templates for creating new RFPs that are specific to particular industries such as employee benefits and manufacturing industries, see col.6, lines 5-10).

Re claims 10 and 11. Claims 10 and 11 recite similar limitations to claim 9, and thus rejected using the same art and rationale in the rejection of claim 9.

Re claim 12. Spencer further discloses a communications network having a client machine and a server, a method for responding to an inquiry by an inquirer in exchange for a resource, said method comprising the steps of providing an inquirer with access to the communications network to furnish an inquiry that requires a response, providing a consultant with access to the communication network for responding to the inquiry of the inquirer, and exchanging a resource

between the consultant and the inquirer in response to the consultant responding to the inquiry (see abstract, also see fig.1).

Re claim 13. Spencer further discloses a system for responding to an inquiry by an inquirer in exchange for an established resource, comprising an inquiry facility for providing an inquirer having an inquiry that requires a response, a consultant facility for providing a consultant for responding to the inquiry of the inquirer, and an exchange facility for exchanging a resource between the consultant and the inquirer in response to the consultant responding to the inquiry (see abstract, also see fig.1 and fig.2).

Re claim 14. Spencer further discloses the system further comprising a communications network for allowing the consultant to respond to the inquiry (see abstract, also see fig.1 and fig.2).

Re claim 15. Claim 15 recites similar limitations to claim 2, and thus rejected using the same art and rationale in the rejection of claim 2.

Re claim 16. Claim 16 recites similar limitations to claim 6, and thus rejected using the same art and rationale in the rejection of claim 6.

Re claim 17. Claim 17 recites similar limitations to claim 7, and thus rejected using the same art and rationale in the rejection of claim 7.

Re claim 18. Spencer further discloses the system further comprising means for allowing the inquirer to specify the profile of the consultant (see fig.16).

Re claim 19. Claim 19 recites similar limitations to claim 9, and thus rejected using the same art and rationale in the rejection of claim 9.

Re claim 20. Spencer further discloses the system, wherein said matching facility comprises means for establishing a profile of at least one of the consultant and the inquirer, and means for matching the inquirer with the consultant based on the profile (i.e., The system automatically directs users to their customized web site interface based upon the log in ID. RFP creators are directed to the creator and analysis section while respondents are directed to the response section, see col.11, lines 2-15, also the present invention includes computer programs for searching and templates for creating new RFPs that are specific to particular industries such as employee benefits and manufacturing industries, see col.6, lines 5-10).

Re claim 21. Spencer further discloses In a communications network, a business method for responding to an inquiry by an inquirer in exchange for a resource in order to facilitate response to the inquiry, said method comprising the steps of accepting an inquiry from an inquirer that requires a response, allowing a consultant to respond to the inquiry of the inquirer, and providing for an exchange of the resource between the consultant and the inquirer in response to the consultant responding to the inquiry (see abstract, see fig.1 and fig.2).

Re claim 22. Claim 22 recites similar limitations to claim 3, and thus rejected using the same art and rationale in the rejection of claim 3.

Re claim 23. Claim 23 recites similar limitations to claim 4, and thus rejected using the same art and rationale in the rejection of claim 4.

Re claim 24. Claim 24 recites similar limitations to claim 6, and thus rejected using the same art and rationale in the rejection of claim 6.

Re claim 25. Claim 25 recites similar limitations to claim 7, and thus rejected using the same art and rationale in the rejection of claim 7.

Re claim 26. Claim 26 recites similar limitations to claim 18, and thus rejected using the same art and rationale in the rejection of claim 18.

Re claims 27 and 28. Claims 27 and 28 recite similar limitations to claim 9, and thus rejected using the same art and rationale in the rejection of claim 9.

### ***Response to Arguments***

3. Applicant's arguments filed on 11/20/06 have been fully considered but they are not persuasive. The applicant argues in substance that the prior art of record, Spencer, fails to teach the limitation "exchanging the resource between consultant and the inquirer in response to the consultant responding to the inquiry." Contrary to the applicant's assertion, the examiner asserts that Spencer teaches a web-based computer system and method for preparing requests for proposals, responding to questions, and analyzing questionnaires used to identify vendors for products and services (see col.1 lines 5-10), the detailed RFP or RFQ clearly defines the business requirements, and based on the response to the said RFP, the user selects the winner and make purchasing decisions (see col.2 lines 20-35). Thus clearly once the RFP response is acceptable to the entity that created the RFP, goods and services are exchanged between the user (i.e., inquirer) and the vendor (i.e., consultant) (i.e., the



Art Unit: 3692

detailed RFP or RFQ clearly defines the business requirements, and based on the response to the said RFP, the user selects the winner and make purchasing decisions see col.2 lines 20-35).


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD E. CHILCOT can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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